

Thursday, March 6, 2025 at 16:54:43 Eastern Standard Time

Subject: RE: NYSCEF Alert: Nassau - Other Matters - Contract - Other - Upload of Order/Judgment 612270/2020 (Meltzer, Lippe, Goldstein & Breitstone, LLP v. Peter Kelman)

Date: Monday, August 15, 2022 at 10:42:06 AM Eastern Daylight Time

From: Elliot Blumenthal

To: Peter Kelman

Once they file Notice of Entry of the decision, we have 30 days to file Notice of Appeal. The Notice of Appeal and its accompanying documents are relatively simple and shouldn't take more than an hour of time to prepare and file.

That will then start the 6 month clock to actually file the brief. That is the "heavy lifting" so you can wait a few months before incurring any significant costs. Keep in mind that if we want to ask the Appellate Division to stay the trial on damages, our timing for doing that depends on when we think the trial will be. The next date in the case is October 25 which is listed as a "control date". That could mean different things, especially since it was on the calendar before the decision came out. I will find out if the judge wants an actual appearance that day to discuss trial scheduling, etc. I will probably have to adjourn that day if it is a real appearance because as of now, I'm scheduled to be away that week.

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From: Peter Kelman <pkelman@kelmanlaw.com>

Sent: Monday, August 15, 2022 10:12 AM

To: Elliot Blumenthal <elliott@eblumenthallaw.com>

Cc: Peter Kelman <pkelman@kelmanlaw.com>

Subject: Re: NYSCEF Alert: Nassau - Other Matters - Contract - Other - Upload of Order/Judgment 612270/2020 (Meltzer, Lippe, Goldstein & Breitstone, LLP v. Peter Kelman)

Ok. I thought it might be cheaper to bring a new lawsuit alleging the same facts on the grounds that first lawsuit was not heard, therefore, it was not decided on its merits, therefore there is no res judicata. But if you think not, then we won't.

So let's discuss the appeal. Yes I have limited funds for now, and won't have limited funds when the estate litigation is concluded.

So what is the least we can do to file an appeal now to postpone heavy lifting for later. And how much would that cost?

Peter Kelman, Esq.

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